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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/186,962	11/05/98	RHOADS	G 4830-50848/W

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EXAMINER
COUSO, J

ART UNIT	PAPER NUMBER
2721	

DATE MAILED: 07/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/186,962	RHOADS
Examiner	Group Art Unit
J. L. Couso	2721

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL.**
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) ___2 – 21___ is/are pending in the application.
    - Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) ___2 – 21___ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on_____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on_____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).
    - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
    - ☐ received.
    - ☐ received in Application No. (Series Code/Serial Number)_____.
    - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).
    - *Certified copies not received:_____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other_____

Office Action Summary

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 2-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al.

(U.S. 5,721,788) in view of Shear (U.S. 4,977,594).

Powell discloses a method and system for digital image signatures.

With regard to claim 2, Powell describes obtaining audio or image files by downloading

from plural computer sites (refer for example to column 1, lines 12-21 and column 2, line 60

through column 3, line 17); identifying plural of the obtained files having certain digital watermark

dat embedded therein, and decoding the digital watermark data therefrom (refer for example to

column 5, line 49 through column 6, line 43); by reference to the decoded digital watermark data,

determining proprietors of each of the plural files (refer for example to column 6, line 44 through

column 7, line 14); and sending information relating of the foregoing monitoring to the

determined proprietors (refer for example to column 1, lines 12-49 and column 5, lines 44-54);

wherein the proprietors of audio or image files are alerted to otherwise unknown distribution of

their audio or image properties on computer sites (refer for example to column 1, lines 12-49 and

column 5, lines 44-54).

Although Powell does not specifically state that the system is obtaining audio or image files from plural different Internet sites, the obtaining of audio or image files from plural different Internet sites is well known and widely utilized in the prior art.

Shear discloses a data base usage metering and protection system and method which specifically discusses the obtaining audio or image files from plural different Internet sites (refer for example to column 1, lines 33-49).

Given the teachings of the two references and the same environment of operation one of ordinary skill in the art at the time the invention was made would have been led in an obvious fashion to provide for obtaining audio or image files from plural different Internet sites as taught by Shear in the Powell system since both systems are primarily concerned with the usage of and protection of digital data. This is a routine design choice which fails to patentably distinguish over the prior art absent some novel and unexpected result.

In regard to claim 3, Powell describes decoding the digital watermark data with reference to public key data (refer for example to column 6, lines 18-43).

With regard to claim 4, Powell describes decoding the digital watermark data with reference to private key data (refer for example to column 6, lines 18-43).

As to claim 5, Powell describes identifying by including performing a domain transformation on data from at least certain of the files, yielding transformed data (refer for example to column 5, lines 29-36).

In regard to claim 6, Powell describes identifying by including performing a matched filtering operation on the transformed data (refer for example to column 6, lines 44-53).

With regard to claim 7, Powell describes a domain transformation (refer for example to column 5, lines 29-36). Although the domain transformation is not a 2D FFT transform, to use this particular well known and widely used type of transform would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of the Powell system.

As to claim 8, Powell describes a domain transform (refer for example to column 5, lines 29-36). Although the domain transformation is not a one-dimensional transform, to use this particular well known and widely used type of transform would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of the Powell system.

In regard to claim 9, Powell describes the identifying further includes generating column integrated scan data for at least one oblique scan through an obtained image, and performing a transformation thereon (refer for example to column 5, lines 29-36). Although the domain transformation is not a one-dimensional FFT transform, to use this particular well known and widely used type of transform would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of the Powell system.

With regard to claim 10, Powell describes the identifying includes transformation (refer for example to column 5, lines 29-36). Although the domain transformation is not one which

computes power spectrum data, to use this particular well known and widely used type of

transform would have been obvious to one of ordinary skill in the art at the time the invention was

made given the teachings of the Powell system.

As to claim 11, Powell describes low-pass filtering (refer for example to column 5, lines

29-36).

In regard to claim 12, Powell describes analyzing a spectral characteristic of at least

certain of the obtained files to identify the possible presence of digital watermark therein (refer for

example to column 6, lines 18-43).

In regard to claim 13, Powell describes screening the obtained files to identify a subset

thereof, and undertaking the decoding operation only for files in the subset (as clearly illustrated

for example in figure 2).

With regard to claim 14, Powell describes the screening includes detecting a pattern in the

file (as clearly illustrted for example in figure 2).

As to claim 15, Powell describes the decoding includes performing at least one statistical

analysis. (refer for example to column 6, lines 18-43).

In regard to claim 16, Shear provides obtaining includes automatic computer downloading

of image or audio files, without specific human instruction of particular files to be downloaded

(refer for example to column 1, lines 33-49).

With regard to claim 17, Powell describes the decoded watermark data provides a

reference to a registry database, and the method further includes obtaining additional data from

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the registry database by use of the reference, the additional data identifying the proprietor of the file from which the watermark data was decoded (refer for example to column 1, lines 12-14 and column 5, lines 44-54).

As to claim 18, Powell describes generating reports relating to results of the monitoring, and sending the reports to the determined proprietors (refer for example to column 1, lines 12-14 and column 5, lines 44-54).

With regard to claims 19-20, Powell describes obtaining audio or image files by downloading from plural computer sites (refer for example to column 1, lines 12-21 and column 2, line 60 through column 3, line 17); identifying plural of the obtained files having certain digital watermark dat embedded therein, and decoding the digital watermark data therefrom (refer for example to column 5, line 49 through column 6, line 43); by reference to the decoded digital watermark data, determining proprietors of each of the plural files (refer for example to column 6, line 44 through column 7, line 14); and sending information relating of the foregoing monitoring to the determined proprietors (refer for example to column 1, lines 12-49 and column 5, lines 44-54); wherein the proprietors of audio or image files are alerted to otherwise unknown distribution of their audio or image properties on computer sites (refer for example to column 1, lines 12-49 and column 5, lines 44-54).

Although Powell does not specifically state that the system is obtaining audio or image files from plural different Internet sites, the obtaining of audio or image files from plural different Internet sites is well known and widely utilized in the prior art.

Shear discloses a data base usage metering and protection system and method which specifically discusses the obtaining audio or image files from plural different Internet sites (refer for example to column 1, lines 33-49).

Given the teachings of the two references and the same environment of operation one of ordinary skill in the art at the time the invention was made would have been led in an obvious fashion to provide for obtaining audio or image files from plural different Internet sites as taught by Shear in the Powell system since both systems are primarily concerned with the usage of and protection of digital data. This is a routine design choice which fails to patentably distinguish over the prior art absent some novel and unexpected result.

In regard to claim 21, Powell describes obtaining audio or image files by downloading from plural computer sites (refer for example to column 1, lines 12-21 and column 2, line 60 through column 3, line 17); automatically identifying plural of the obtained files having certain digital watermark dat embedded therein, and decoding the digital watermark data therefrom (refer for example to column 5, line 49 through column 6, line 43); by reference to the decoded digital watermark data, determining proprietors of each of the plural files (refer for example to column 6, line 44 through column 7, line 14); and sending information relating of the foregoing monitoring to the determined proprietors (refer for example to column 1, lines 12-49 and column 5, lines 44-54); wherein the proprietors of audio or image files are alerted to otherwise unknown distribution of their audio or image properties on computer sites (refer for example to column 1, lines 12-49 and column 5, lines 44-54).

Although Powell does not specifically state that the system is obtaining audio or image files from plural different Internet sites, the obtaining of audio or image files from plural different Internet sites is well known and widely utilized in the prior art.

Shear discloses a data base usage metering and protection system and method which specifically discusses the obtaining audio or image files from plural different Internet sites (refer for example to column 1, lines 33-49).

Given the teachings of the two references and the same environment of operation one of ordinary skill in the art at the time the invention was made would have been led in an obvious fashion to provide for obtaining audio or image files from plural different Internet sites as taught by Shear in the Powell system since both systems are primarily concerned with the usage of and protection of digital data. This is a routine design choice which fails to patentably distinguish over the prior art absent some novel and unexpected result.

3.   Applicant's arguments filed June 19, 2000 have been fully considered but they are not persuasive.

The examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meet the claimed limitations. The combination of the cited prior art meets all the claimed limitations.
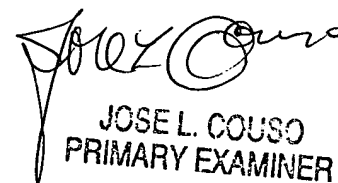
Art Unit: 2721

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (703) 305-4774. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for this Group is (703) 308-9051 or (703) 306-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

JOSE L. COUSO
PRIMARY EXAMINER

jlc
July 20, 2000